

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
 (Attorney Docket No. 05222.00141)

In the Application of:

Burgess, et al.

Serial No.: 09/887,188

Filed: June 22, 2001

For: A System, Method and Article of Manufacture
 for a Simulation Enabled Retail Management
 Tutorial System



Group Art Unit:

2163

REQUEST FOR DECLARATION OF UNAVAILABILITY OF INVENTOR
 UNDER 37 CFR 1.47

Customer Service Center
 Initial Patent Examination Division
 Assistant Commissioner for Patents
 Washington, D.C. 20231

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OFFICE OF PETITIONS

Dear Sirs:

Applicants respectfully request that the Commissioner declare Lauren E. Haff unavailable under 37 CFR 1.47, and allow continued prosecution of the above-mentioned application without her declaration and power of attorney.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Date: March 15, 2002

By:

Charles L. Miller

Reg. No. 43,805

Ten South Wacker Drive, 30th Flr.

Chicago, Illinois 60606-7407

Tel. +00 1 312 715-1000

Attorneys for Applicants

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) Group Art Unit:

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STATEMENT OF FACTS
IN SUPPORT OF REQUEST FOR DECLARATION
OF UNAVAILABILITY OF INVENTOR
UNDER 37 CFR 1.47

Assistant Commissioner for Patents
Washington, DC 20231

Sirs:

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I, Charles L. Miller, hereby declare that, upon her employment with Accenture LLP (hereinafter ‘Employer’), Lauren E. Haff (hereinafter ‘Inventor’) was an inventor on U.S. application number 09/219,201 filed on 12/22/98, issued on February 15, 2000 as U.S. Patent 6,026,386 and PCT application number PCT/US99/02740 filed on 2/8/99. A copy of Lauren H. Haff’s signed declaration in U. S. application number 09/219,201 is attached (**Exhibit A**). In addition, a copy of Lauren H. Haff’s signed revocation and power of attorney, appointing Banner & Witcoff, Ltd. as her attorney, from PCT application number PCT/US99/02740 is also attached (**Exhibit A**).

The assignee of the present application, 09/887,188 is prosecuting several related applications. In order to minimize prosecution costs, the assignee combined several applications having identical specifications and similar claims. Because several applications were combined into the present application, 09/887,188, new declarations from each inventor were requested.

The present continuation application, 09/887,188, claims priority to the following International applications filed on February 8, 1999:

1. PCT/US99/02719, which claims priority to U.S. Application No. 09/221,138, filed December 22, 1998,
2. PCT/US99/02727, which claims priority to U.S. Application No. 09/219,070, filed December 22, 1998,
3. PCT/US99/02738, which claims priority to U.S. Application No. 09/219,524, filed December 22, 1998,
4. PCT/US99/02740, which claims priority to U.S. Application No. 09/219,201, filed December 22, 1998, and
5. PCT0US99/02745, which claims priority to U.S. Application No. 09/218,977, filed December 22, 1998.

As shown above, the current U.S. application number 09/887,188 is a continuation application claiming priority back to PCT application number PCT/US99/02740 to which Lauren E. Haff is an inventor. The current application 09/887,188 has an identical specification to PCT/US99/02740 and contains at least the same claims as PCT/US99/02740. PCT/US99/02740 claims priority back to U.S. application number 09/219,201 filed on 12/22/98, issued on February 15, 2000 as U.S. Patent 6,026,386 in which Lauren E. Haff received a copy as indicated by the signed declaration in Exhibit A. Lauren E. Haff is only an inventor of the claims in which she has already executed a declaration.

Lauren E. Haff is no longer an employee of the Employer and has refused to sign a new declaration document for the current continuation application number 09/887,188. Copies of the new declaration, power of attorney, and assignment documents for the above-mentioned application were forwarded to Lauren E. Haff, on November 29, 2001 via priority traceable mail with delivery confirmation receipt, to her last known address at 27 E. Central Avenue, Apt. K4, Paoli, Pennsylvania 19301 (Exhibit B). A reminder letter was sent to Lauren E. Haff on December 20, 2001 via certified mail with return receipt requested (Exhibit C). Lauren E. Haff did not reply to either of these letters.

On January 8, 2002, Monique Chan, Legal Assistant of Banner & Witcoff Ltd., left two voice messages at Lauren E. Haff's home and mobile phone numbers inquiring (1) whether Lauren E. Haff received our packages, and (2) on her availability to sign the documents. Lauren E. Haff returned Monique Chan's voice mails later the same day to indicate that she has no incentive to sign any document for her ex-Employer and does not feel obligated to do so.

On March 6, 2002, a final attempt was made to obtain Lauren E. Haff's signature. A voice message was left on Ms. Haff's answering machine asking whether any additional information could be provided to Ms. Haff in an attempt to obtain her signature. In addition, the message reminded Ms. Haff that she did sign all of the documents in U. S. application number 09/219,201, to which this application claims priority, and from which no new matter has been added. Ms. Haff was asked to return the phone message if there was any hope of obtaining her signature by March 7, 2002. Ms. Haff has not returned the phone call.

Applicants therefore attest that diligent effort was made to obtain Lauren E. Haff's signature of the above-mentioned application.

Applicants therefore respectfully request that the Commissioner declare Lauren E. Haff unavailable and allow continued prosecution of the above-mentioned application without her declaration and power of attorney.

I hereby declare that all statements made herein of my own knowledge are true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Date: March 15, 2002

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